

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

§

v.

§

CASE NO. 4:06cr150.1

ALFRED LEE JAMES

§

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

On May 19, 2008, the Court held a hearing on Defendant's Unopposed Motion to Withdraw Plea (Dkt. 68). Defendant was represented by Denise Benson. The Government was represented by Stevan Buys.

At the hearing, Defendant stated he wished to withdraw the plea agreement submitted to the Court in January 2008. The Government does not oppose the withdrawal of the January guilty plea, and the Court finds that Defendant has shown a fair and just reason for the withdrawal of his January plea.

Pursuant to the representation of the parties, the Court withdraws its Findings of Fact and Recommendation on Guilty Plea entered on January 22, 2008 (Dkt. 66) and further recommends that the District Court GRANT the Motion to Withdraw (Dkt. 68) and VACATE the Order Adopting Magistrate Judge's Report and Findings Defendant Guilty on Count Three of the indictment entered on January 24, 2008 (Dkt. 67) such that a new plea agreement can made part of the record.

SIGNED this 23rd day of May, 2008.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE